

# County of Passaic

## Board of County Commissioners



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Administrator  
Nadege D. Allwaters, Esq.  
County Counsel  
Louis E. Imhof, RMC  
Clerk Of The Board

Date: Feb 13, 2024 - 5:30 PM

Agenda: RESOLUTION AUTHORIZING A DEVELOPER'S AGREEMENT BETWEEN THE COUNTY OF PASSAIC AND MARCH POMPTON PLAINS CROSSROAD LLC FOR PROPERTY AT 125 POMPTON PLAINS CROSSROAD (COUNTY ROUTE 680) BLOCK 2521, LOT NOS. 47, 48 AND 49, WAYNE, NEW JERSEY.

THIS RESOLUTION WAS REQUESTED BY:  
PLANNING AND ECONOMIC  
DEVELOPMENT

REVIEWED BY:

Matthew P. Jordan, Esq.

APPROVED AS TO FORM AND LEGALITY:

Nadege D. Allwaters, Esq.

Official Resolution#	
Meeting Date	2/13/2024
Introduced Date	2/6/2024
Adopted Date	
Agenda Item	55.
CAF#	
Purchase Req. #	
Result	

Planning and Economic Development

COMMITTEE NAME

**RESOLUTION AUTHORIZING A DEVELOPER'S AGREEMENT BETWEEN THE COUNTY OF PASSAIC AND MARCH POMPTON PLAINS CROSSROAD LLC FOR PROPERTY AT 125 POMPTON PLAINS CROSSROAD (COUNTY ROUTE 680) BLOCK 2521, LOT NOS. 47, 48 AND 49, WAYNE, NEW JERSEY.**

**WHEREAS**, the Passaic County Department of Planning and Economic Development (hereafter "Board") is in receipt of a proposed Developer's Agreement (see attached) for March Pompton Plains Crossroad LLC (hereafter "Applicant") for a proposed warehouse at 125 Pompton Plains Crossroad (County Route 680), Block 2521, Lot Nos. 47, 48, and 49, Wayne, New Jersey; and

**WHEREAS**, Pompton Plains Crossroad (County Route 680) is a Passaic County roadway, and approval of the Applicant's site plan is required from the Board; and

**WHEREAS**, the Board reviewed the Applicant's site plan dated November 22, 2022, revised October 31, 2023, File No. SP-22-068, and granted conditional approval of the application on November 20, 2023 (see attached) pending receipt of a Developer's Agreement which also includes provisions regarding a hold harmless agreement and maintenance agreement; and

**WHEREAS**, the Board requires a developer's agreement stating that the Applicant shall perform post-construction traffic studies 1-, 2-, 5-, and 10-years from the date that a Certificate of Occupancy is issued by the Township of Wayne, and the traffic studies will analyze and reassess the signal timing at intersections along County Route 680; and

**WHEREAS**, the Board requires a hold harmless agreement to protect and hold the County harmless for any damage or claims to the Developer's property related to stormwater, silt, or debris that enters the site and infiltration basins from the County right-of-way;

**WHEREAS**, the Board requires a maintenance agreement stating that the Developer will be responsible for maintenance of certain pipes in the County right-of-way that flow into the on-site drainage system, and more specifically, scour hole #9 and the infiltration basin; and the County shall maintain B-inlet #1, B-inlet #2, the pipe between the inlets, and the pipe leading to scour hole #9; and

**WHEREAS**, the Developer agrees to comply with all rules, regulations, statutes, resolutions, and ordinances of the State of New Jersey and County of Passaic concerning the foregoing; and

**WHEREAS**, the language included in the Developer's Agreement was previously reviewed and agreed upon by the Planning/Engineering staff; and

**WHEREAS**, this matter was discussed at the January 31, 2024, meeting of the Planning and Economic Development Committee and is being recommended to the Board of County Commissioners of the County of Passaic for approval;

**NOW THEREFORE, LET IT BE RESOLVED** by the Board of County Commissioners of the County of Passaic that the County Commissioner Director and Clerk of the Board be and are hereby authorized to execute the attached Developer's Agreement by and between the County of Passaic and MARCH POMPTON PLAINS CROSSROAD LLC, for property located at 125 Pompton Plains Crossroad (County Route 680) Block 2521, Lots 47, 48, and 49, in the Township of Wayne.

JDP

February 13, 2024